

BEST AVAILABLE COPY

PATENT

Customer Number 22,852

Attorney Docket No. 3063.0396-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application Art Unit: 1732 Prior Application Examiner: A. Kuhns

SIR: This is a request for filing a Continuation Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/287,631, filed April 7, 1999 of John M. Eby; Hao A. Chen and Alonzo M. Burns, Jr. for SURFACE COVERINGS HAVING A NATURAL APPEARANCE AND METHODS TO MAKE A SURFACE COVERING HAVING A NATURAL APPEARANCE.

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/287,631 as originally filed on April 7, 1999, which is incorporated herein by reference.
2. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
3. ☒ A Preliminary Amendment is enclosed.
4. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 above.

Basic Application Filing Fee					\$710	\$ \$710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	12	-	20	[number]	x \$18	0
Independent Claims	1	-	3	[number]	x \$80	0
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	
Subtotal						\$
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 710.00

5. ☒ A check in the amount of \$710.00 to cover the filing fee is enclosed.

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6. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
7. ☒ Amend the specification by inserting before the first line, the sentence:

--This is a continuation of application Serial No. 09/287,631, filed April 7, 1999, which is a continuation of application Serial No. 08/996,701, filed December 23, 1997, now U.S. Patent No. 5,961,903, which claims the benefit of U.S. provisional application no. 60/039,534, filed February 20, 1997, all of which are incorporated herein by reference.--

8. ☒ The prior application is assigned of record to: Mannington Mills of Delaware, Inc.
9. ☒ Priority of application Serial No. 60/039,534, filed on February 20, 1997 in the United States is claimed under 35 U.S.C. § 119(e).
10. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984;

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11. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
12. ☒ Enclosed is an Information Disclosure Statement and PTO Form-1449.
13. ☒ Also enclosed is a Request for Examination by Art Unit 1774.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/287,631, filed April 7, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 28, 2000

By: 

Louis M. Troilo
Reg. No. 45,284

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John E. EBY et al.

Continuation App. under 37 C.F.R. §1.53(b)
of Appl. No.: 09/287,631

Filed: December 28, 2000

For: SURFACE COVERINGS HAVING
A NATURAL APPEARANCE AND
METHODS TO MAKE SURFACE
COVERINGS HAVING A NATURAL
APPEARANCE

Prior Application:

Group Art Unit: 1732

Examiner: A. Kuhn

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR EXAMINATION BY ART UNIT 1774

Applicants note that the statutory subject matter of the claimed continuation application filed herewith was previously examined in application no. 09/315,126 (now U.S. Patent No. 6,114,008) by Examiner Shewareged of Art Unit 1774. For efficiency purposes, Applicants respectfully request that the present application be assigned to Examiner Shewareged of Art Unit 1774.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 28, 2000

By: 

Louis M. Troilo
Reg. No. 45,284